

# **KANSAS DEPARTMENT OF CORRECTIONS**

*A Safer Kansas through Effective Correctional Services*

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# Policy Memorandum<sup>1</sup>

**This Policy Memorandum Issuance #** 08-09-004

**Effective Date** Upon Issuance

**Expiration Date Upon Reissuance of IMPP<sup>2</sup>**

\_\_\_\_\_ Addresses subject matter for which an IMPP will be forthcoming and assigned to Chapter(s) of the IMPP manual.

  X   Amends or modifies existing IMPP(s) # 11-112

**\_\_\_\_\_ Elaborates on the contents of IMPP(s) # \_\_\_\_\_**

       Is for Staff Only   X   Is for Both Staff and Inmates.

This policy memorandum is being issued to suspend implementation of certain provisions of this IMPP. Due to staffing and budgetary issues facing the Kansas Department of Corrections, the provisions of this IMPP regarding funeral and hospital visits for inmates are suspended on an indefinite basis. During the period of this suspension no funeral or hospital visits for inmates will be approved. In the event staffing and budgetary circumstances so warrant in the future, this suspension may be withdrawn.

09-11-08




Date:\_\_\_\_\_

Secretary of Corrections

<sup>1</sup> **Note:** To keep your IMPP Manual current, please place this Policy Memorandum in your manual at the appropriate location. If the memorandum addresses subject matter for which an IMPP will be forthcoming, place this issuance before the first IMPP in the Chapter indicated. If the memorandum addresses an existing IMPP, the issuance should be placed in front of the existing policy, just after any relevant statement(s) of annual review. If this memorandum is for both staff and inmates, it shall be immediately posted.

<sup>2</sup> Unless another Policy Memorandum or IMPP on this subject is issued, the requirements contained herein have no force and effect after the indicated expiration date.

# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  <b>11-112</b>	<b>PAGE NUMBER</b>  <b>1 of 2</b>
		<b>SUBJECT:</b>  <b>DECISION MAKING: Funeral or Serious Illness of Relatives, Attendance by Inmates</b>	
<b>Approved By:</b>  <b>Secretary of Corrections</b>		<b>Original Date Issued:</b> <b>03-22-02</b>	
		<b>Current Amendment Effective:</b> <b>10-21-03</b>	
		<b>Replaces Amendment Issued:</b> <b>03-22-02</b>	
<b>Reissued By:</b>  <b>Policy &amp; Procedure Coordinator</b>		The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature.  <b>Date Reissued:</b> <b>11-09-10</b>	

## POLICY

The warden of a facility may permit an inmate to be escorted to visit a member of the inmate's immediate family, as defined in this policy, who is in danger of imminent death or to attend the funeral of an immediate family member.

## DEFINITIONS

Immediate family: Includes parents, step-parents, siblings, step-siblings, children, step-children, and spouse.

## PROCEDURES

### I. Attendance and Escort

- A. The attendance of the inmate shall be under escort by one or more qualified correctional employees, as determined by the warden, and the inmate shall remain in the legal and actual custody of the Secretary of Corrections through the action of such correctional employees.
- B. The inmate shall attend only at the inmate's own request.
- C. Correctional employees escorting inmates pursuant to this document shall be on official duty status.
- D. The warden shall determine the scope of the visit, including the length of the visit and those activities in which the inmate may participate during the visit.
- E. Escorted visits pursuant to this policy shall be limited to within the geographic boundaries of Kansas.

### II. Notification

- A. Law enforcement officials at the location of destination shall be notified in advance that the inmate is being escorted into the vicinity.
  1. In the event of an escape, local law enforcement officials, as well as the correctional facility staff, shall be notified immediately by the correctional employee.
- B. The staff of the Victim Services office shall be contacted regarding whether any notification to victims regarding the trip is necessary.

### **III. Decision**

- A. In making the decision, the warden shall consider staff availability, cost, the inmate's status, the facility's status, and the impact of the trip on overall facility operations.
1. If possible, the opinion of correctional staff, including the psychologist or psychiatrist and chaplain at the correctional facility, shall be considered in assessing the likely effect that a grant or denial of the travel request would have on the inmate, including effects on the rehabilitation of the inmate.
  2. The degree of contact between the inmate and the immediate family member during the period of incarceration may be considered by the warden in deciding whether to approve the visit.
  3. The warden shall also consider the effect the presence of the inmate would have on the family and the community.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to either employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

#### **REPORTS REQUIRED**

None.

#### **REFERENCES**

KSA 75-5210, 75-5251

#### **ATTACHMENTS**

None